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9 BEFORE THE
BOARD OF DENTAL EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. AGS 1995-34
12 Against:)
13 JACK ALPAN, DDS) ACCUSATION
2440 W. 3rd St.) *He 5-7-96*
14 Los Angeles, California 90057)
15 Dental Certificate No. 18279)
16 RESPONDENT.)

17
18 The Complainant, Georgetta Coleman, for cause of
19 accusation against Jack Alpan, D.D.S., alleges as follows:

20 PARTIES

21 1. The Complainant, Georgetta Coleman, is the
22 Executive Officer of the Board of Dental Examiners (hereinafter
23 the "Board") of the Department of Consumer Affairs of the
24 State of California and makes this Accusation solely in her
25 official capacity.

26 2. In 1965, the Board issued RESPONDENT Jack Alpan,
27 D.D.S. (hereinafter "RESPONDENT") Certificate No. 18279 to
practice dentistry in the State of California pursuant to the

1 Dental Practice Act, Division 2, Chapter 4, Section 1600 et.
2 seq., of the California Business and Professions Code (all
3 statutory references hereinafter are to that code unless
4 otherwise indicated). At all times material herein, RESPONDENT
5 was and now is licensed by the Board as a dentist. His license
6 expires on November 30, 1996.

7 JURISDICTION

8 3. Under section 820 of the code, whenever it appears
9 that any licentiate under the Dental Practice Act may be unable
10 to practice dentistry safely because the licentiate's ability to
11 practice is impaired due to mental illness, or physical illness
12 affecting competency, the Board may order the licentiate to be
13 examined by one or more physicians or psychologists.

14 4. Under section 821 of the code, the failure of
15 any licentiate under the Dental Practice Act to comply with an
16 order issued under Section 820 shall constitute grounds for
17 revocation or suspension of the licentiate's certificate.

18 FIRST CAUSE OF ACTION -Failure to Comply With Order
19 for Psychiatric Examination

20 5. Complainant incorporates herein by this reference
21 the preamble and each of the allegations set forth in paragraphs
22 1 through 4, hereinabove.

23 6. The dental certificate of RESPONDENT is subject to
24 discipline under section 821 of the code in that RESPONDENT
25 failed to comply with an Order for Psychiatric Examination issued
26 under section 820; the details of which are set forth more
27 particularly below:

A. On or about ,1996, the Board

1 issued an order to RESPONDENT. Said order commended that
2 RESPONDENT be examined by Michael Gales, M.D., a psychiatrist, on
3 March 28, 1996, at 9:45 a.m. Said order was personally served on
4 RESPONDENT on or about March 6, 1996.

5 B. On March 28, 1996, RESPONDENT appeared at the
6 office of Dr. Gales at the appointed time, but refused to submit
7 to the examination unless Dr. Gales signed a document which would
8 have made all statements made during said examination unable to
9 be considered in any legal proceeding.

10 C. Dr. Gales refused to sign said document, and
11 RESPONDENT refused to submit to the examination.

12 COST RECOVERY

13 7. Section 125.3 of the code provides that, in any
14 order issued in resolution of a disciplinary proceeding before
15 any board within the Department of Consumer Affairs, the board
16 may request the Administrative Law Judge to direct a licensee
17 found to have committed a violation or violations of the
18 licensing act to pay a sum not to exceed the reasonable costs of
19 the investigation and enforcement of the case.

20 8. Under section 101, subdivision (a) of the code, the
21 Board of Dental Examiners was and is a board within the
22 Department of Consumer Affairs of the State of California.
23 Pursuant to section 125.3 of the code, the Board hereby requests
24 the Administrative Law Judge who issues a Proposed Decision in
25 this matter to include an order which provides for the recovery
26 by the Board of the costs of investigation and enforcement of
27 this case against RESPONDENT, according to proof.

1 WHEREFORE, Complainant prays that a hearing be held and
2 that the Board of Dental Examiners make its order:

3 1. Revoking or suspending Dental Certificate No. 18279
4 held by RESPONDENT Jack Alpan, D.D.S.

5 2. Directing RESPONDENT to pay to the Board the actual
6 and reasonable costs of the investigation and prosecution of the
7 case under section 125.3 of the code, according to proof.

8 3. Taking such other and further action as may be
9 deemed proper and appropriate.

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11 DATED: 5-7-96

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13 Georgetta Coleman
14 Executive Officer
15 Board of Dental Examiners
16 Department of Consumer Affairs
17 State of California

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27 Complainant